

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Christopher S. Johnson,)

Plaintiff,)

v.)

Patricia Ray, in her individual capacity;)
John Doe, in his individual capacity,)

Defendants.)

Civil Action No. 5:12-cv-3447

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, which was filed pursuant to 42 U.S.C. § 1983. On May 29, 2013, Defendant Patricia Ray filed a motion for summary judgment. In accordance with Local Rule 73.02(B)(2)(a), the matter was referred to a United States Magistrate Judge for preliminary review. The Magistrate Judge issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the summary judgment procedure and instructing him to respond to the Defendant's motion. The Plaintiff filed a response on July 8, 2013, and the Defendant filed a reply on July 18, 2013. On December 19, 2013, United States Magistrate Judge Kaymani D. West issued a report and recommendation ("R&R"), considering the issues and recommending that the Court grant the Defendant's motion and dismiss the Plaintiff's complaint. Attached the R&R was a notice advising the parties of their right to file written, specific objections to the R&R within fourteen days of receiving a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court

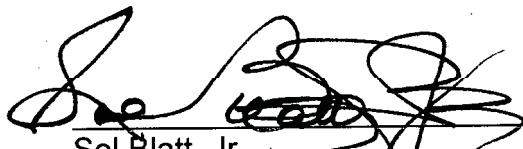
is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' ") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court **adopts the R&R** (Entry 74) and incorporates it herein, and it is

ORDERED that the Defendant Rae's motion for summary judgment (Entry 45) is granted, and the Plaintiff's complaint is dismissed.

AND IT IS SO ORDERED.

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Sol Blatt, Jr.
Senior United States District Judge

January 10, 2014
Charleston, South Carolina